

CITY OF NANAIMO
BOARD OF VARIANCE

**MINUTES OF THE MEETING OF THE BOARD OF VARIANCE
HELD ON THURSDAY, 2008-JULY-17th, IN THE BOARD ROOM,
CITY HALL, 455 WALLACE STREET, NANAIMO, BC**

PRESENT: Lars Apland
Jim Galloway
Dan Hooper
Jerome Howell, Chair

STAFF: David Pady

1. **CALL TO ORDER:**
The meeting was called to order at 7:00 p.m.
2. **MINUTES**
MOVED by Jim Galloway, SECONDED by Lars Apland that the minutes of the meeting held 2008-June-19th be adopted as amended.

CARRIED

3. **APPEAL:** **BOV00460**

APPLICANT: Rodney Sjostrom

LOCATION: **Legal Description:** THAT PART OF LOT 1, SECTION 5,
WELLINGTON DISTRICT, PLAN 7291 LYING TO THE SOUTH
EAST OF JINGLE POT ROAD, AS SAID ROAD IS SHOWN ON
SAID PLAN EXCEPT PART IN PLAN 25774
Civic address: 4078 Old Slope Way

PURPOSE: The applicant is requesting that the maximum height of a principal building be increased from 8.25 metres (27.06 feet) to 8.31 metres (27.26 feet) in order to permit a recently constructed single family dwelling. This represents a variance of .06 metres (0.20 feet).

ZONING REGULATIONS:

This property is included in the Single Family Residential Zone - (RS-1) and the appeal seeks to vary the following provisions of the "City of Nanaimo Zoning Bylaw 4000":

6.1.7.1. The height of a principal building shall not exceed the maximum height shown in the following table:

Roof Pitch	Maximum Height
A flat roof (< 4:12) *	6.71 metres (22 feet)
A sloped roof (≥ 4:12)*	8.25 metres (27.06 feet)

*for an area of at least 80% of all roof surfaces measured in plan view.

DISCUSSION

Mr. Rodney Sjostrom (4078 Old Slope Way) appeared in support of the appeal.

DECISION

MOVED by Dan Hooper, SECONDED by Lars Apland that the appeal be **granted**. Approval is subject to a building permit being issued within 6 months (2009-January-17th).

CARRIED

3. **APPEAL:** **BOV00461**

APPLICANT: **Sands Funeral Chapel Ltd.**

LOCATION: **Legal Description:** LOT 48, BLOCK 10, NEWCASTLE TOWNSITE, SECTION 1, NANAIMO DISTRICT, PLAN 584
Civic address: 1 Newcastle Avenue

PURPOSE: The applicant is requesting that the required front yard setback facing Stewart Avenue be reduced from 7.5 metres (24.6 feet) to 3.0 metres (9.84 feet), and that the front yard setback facing Newcastle Avenue be reduced from 6.0 metres (19.68 feet) to 3.0 metres (9.84 feet) in order to permit an addition to an existing building which is non conforming as to siting and use. This represents a variance of 4.5 metres (14.76 feet) for the Stewart Avenue frontage and a variance of 3 metres (9.84 feet) on the Newcastle Avenue frontage.

ZONING REGULATIONS:

This property is included in the Medium Density Multiple Family Residential (Suburban) Zone – (RM-5) and the appeal seeks to vary the following provisions of the “City of Nanaimo Zoning Bylaw 4000”:

“Section 7.5.6.1-Yard requirements

A front yard of not less than 6.0 metres (19.69 feet) shall be provided”.

“Section 5.2.1.2 – Location and Siting of Buildings and Structures to – To Major Roads

Notwithstanding the regulations for yards within all zones of this Bylaw, or any other regulations of the Highway Act, principal or accessory buildings or structures shall not be closer than: 7.5 metres (24.6 feet) from a property line that abuts established urban arterials, urban collector roads, and provincial highways as designated in the City of Nanaimo Official Community Plan, when designation has occurred to achieve the required right-of-way width.

Please note: Section 911 (9) and (10) of the Local Government Act, which states:

“If the use and density of buildings and structures conform to a bylaw under this division... but the siting, size or dimensions of a building or structure constructed before the bylaw was adopted does not conform with the bylaw, ... the building or structure ... may be maintained, extended or altered ... only to the extent that the repair, extension or alteration would, when completed, involve no further contravention of the bylaw than that existing at the time the repair, extension or alteration was started.”

DISCUSSION

Mr. Ian Smith (1 Newcastle Avenue) and Mr. Barry Howardson (11644, 227TH Street Maple Ridge BC), appeared in support of the appeal.

DECISION

MOVED by Jim Galloway, SECONDED by Dan Hooper that the appeal be **approved**. Approval is subject to a building permit being issued within 6 months (2009-January-17th).

CARRIED

9. **ATTENDANCE**

Dorothy Rispin expressed regret that she was not able to attend the meeting held 2008-July-17th.

It was determined that all Board Members will be in attendance for the meeting to be held 2008-August-21st.

10. **ADJOURNMENT**

MOVED by Lars Apland, SECONDED by Jim Galloway that the meeting be adjourned at 7:53 p.m.

CARRIED

Jerome Howell
Chairperson, Board of Variance

Kris Sillem
Secretary, Board of Variance

ec Planning and Development Department
Building Inspection Department
Bylaw Services Department
Cam Scott, Communications Officer
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